

Message Text

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ACTION IO-13

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TO SECSTATE WASHDC 8707
INFO USERDA HQ WASHDC
USERDA HQ GERMANTOWN
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AMEMBASSY ISLAMABAD
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USMISSION GENEVA
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C O N F I D E N T I A L SECTION 1 OF 2 IAEA VIENNA 1534

PASS IO/SCT

E.O. 11652: GDS

TAGS: AORG, OCON, IAEA, XA, XF, XO

SUBJECT: FEBRUARY MEETING OF BOARD OF GOVERNORS: REVISION
OF ARTICLE VI OF STATUTE: DETAILS OF DISCUSSION

REF: IAEA VIENNA 1458 (NOTAL)

SUMMARY: AFTER SEVERAL HOURS OF INTENSE AND AT TIMES HEATED
DISCUSSION ON PROPOSAL TO AMEND ARTICLE VI OF STATUTE, BOARD
TURNED DOWN CO-SPONSOR'S DEMAND FOR ESTABLISHMENT OF SPECIAL
BOARD COMMITTEE TO DRAFT AMENDMENT, DECIDING INSTEAD TO
REQUEST CHAIRMAN AND VICE CHAIRMAN TO COORDINATE FURTHER
CONSULTATIONS AMONG MEMBERS. WHILE BOARD DECISION REPRESENTS
PROCEDURAL SETBACK TO CO-SPONSORS, IT ALSO REVEALED BROAD
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SUPPORT FOR PROPOSAL AMONG THIRD WORLD BOARD MEMBERS AND A
PRONOUNCED POLARITY OF VIEWS BETWEEN DEVELOPED STATES AND LDC'S.
AT THIS POINT, IT APPEARS THAT PROPOSAL WILL BECOME THE MAJOR
ISSUE AT 21ST GENERAL CONFERENCE. END SUMMARY.

1. PROPOSAL TO AMEND ARTICLE VI OF STATUTE (GOV/1821) PLACED
ON BOARD AGENDA BY PAKISTAN, LIBYA, EGYPT AND NIGERIA (BANG-

LADESH BELATEDLY JOINED OTHER CO-SPONSORS), THOUGH SCHEDULED TO BE DISCUSSED NEAR END OF AGENDA, WAS FIRST ADDRESSED IN NORMALLY PERFUNCTORY ADOPTION OF AGENDA. AT INSTIGATION OF SOVIETS, WHO HAD EARLIER INFORMED MISSION THEY WERE CONSIDERING IDEA, REPS OF POLAND AND CZECHOSLOVAKIA AMDE INEPT, HEAVY HANDED-- AND FUTILE--ATTEMPT TO REMOVE ITEM FROM AGENDA ARGUING THAT PROPOSAL HAD NOT BEEN CIRCULATED SUFFICIENTLY IN ADVANCE. FOLLOING REPLIES FROM GOVERNORS OF NIGERIA AND PAKISTAN WHO NOTED THAT PROCEDURAL ATTACK OF THIS KIND WAS "NOT IN CONSENSUS TRADITION OF BOARD" AND THAT PROVISIONS OF BOARD RULES HAS BEEN MET FULLY, BOARD ADOPTED AGENDA INCLUDING ITEM ON REVISION OF ARTICLE VI.

2. CO-SPONSORS INTRODUCED GOV/1821 IN LATE AFTERNOON OF FEBRUARY 23, WITH REPS OF PAKISTAN AND NIGERIA AS SPOKESMEN. PAKISTANI RESREP (SATTAR) REPEATEDLY STRESSED THAT UNDER PRESENT ARTICLE VI AREAS OF MESA AND AFRICA WERE NOT ACCORDED "EQUITABLE REPRESENTATION" ON THE BOARD, WHICH PRINCIPLE WAS CITED IN THAT ARTICLE. TWO AREAS COMPRISING 41 MEMBERS HAD ONLY NINE SEATS, WHILE OTHER SIX COMPRISING 68 MEMBERS HAD 25. ADDRESSING HOSTILE ARGUMENTS WHICH HE SAID HE HAD ENCOUNTERED DURING INITIAL CONSULTATIONS, SATTAR INSISTED THAT BALANCE OF BOARD WOULD NOT BE AFFECTED BY ADDITION OF FIVE SEATS; THAT EFFICIENCY OF BOARD WOULD NOT SUFFER, AND THAT EFFICIENCY COULD NOT BE ACHIEVED WITHOUT "EQUITABLE REPRESENTATION", AND THAT IT WAS BY NO MEANS TOO SOON TO REVISE STATUTE. HE CONCLUDED BY CALLING FOR CREATION OF COMMITTEE TO REPORT TO JUNE MEETING OF BOARD ON DRAFT AMENDMENT TO BE CONSIDERED AT GENERAL CONFERENCE. SATTAR'S NIGERIAN COLLEAGUE (ADENIJI) COVERED MUCH THE SAME CONFIDENTIAL

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GROUND, ASSERTING THAT IN LAST REVISION OF ARTICLE VI, THE TWO AREAS HAD BEEN SHABBILY TREATED. ADENIJI JUSTIFIED PROPOSAL FOR REMOVAL OF PROHIBITION ON RELECTION ON GROUNDS THAT IT HAD NO RELEVANCE TO BOARD'S DUTIES, THAT REMOVAL WOULD SERVE "REGIONAL" INTERESTS OF AREAS AND THAT PRINCIPLE OF CONTINUOUS SERVICE ON BOARD WAS ALREADY ESTABLISHED BY EXISTENCE OF DESIGNATED CATEGORY OF BOARD MEMBERSHIP. (HE ALSO NOTED, SOMEWHAT CONTRADICTORILY, THAT USE OF "FLOATING" SEATS ALREADY ENABLED ELECTED MEMBERS TO SERVE FOR PROTRACTED PERIODS.) LIKE SATTAR, ADENIJI PUT ALL ON NOTICE THAT CO-SPONSORS WOULD TAKE ISSUE TO GENERAL CONFERENCE THIS YEAR AND URGED CREATION OF COMMITTEE TO "EXPEDITE" DRAFTING OF AMENDMENT. REPS OF LIBYA, EGYPT AND BANGLADESH BRIEFLY COMMENDED PROPOSAL TO BOARD.

2. BOARD DISCUSSION RESUMED MORNING OF FEBRUARY 24. POSITIONS TAKEN BY SPEAKERS ADDRESSING THE ISSUE - 21 IN ALL - INDICATED SHARP CLEAVAGE OF VIEWS BETWEEN DEVELOPED AND DEVELOPING COUNTRIES, WITH IMPRESSIVE LINEUP OF LATTER FROM VARIOUS REGIONS ENDORSING THE PROPOSAL. SPEAKING IN FAVOR OF REVISION

WERE REPS OF MEXICO, BRASIL, YUGOSLAVIA, ARGENTINA, PANAMA,
INDONESIA, MALAYSIA. WHILE ALL AGREED THAT CO-SPONSORS ARGUMENTS
RE "EQUITABLE REPRESENTATION" HAD MERIT AND SHOULD BE STUDIED
BY A COMMITTEE, SEVERAL REPS (PANAMA,
MEXICO, INDONESIA) SUGGESTED THAT OTHER GEOGRAPHIC

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AREAS MIGHT ALSO BE UNDER-REPRESENTED ON BOARD.
PANAMANIAN REP STATED THAT REPRESENTATION OF ENTIRE
"THIRD WORLD" SHOULD BE RE-EXAMINED.

3. ARGUMENTS BY THOSE SPEAKING IN OPPOSITION (UK, CANADA,
US, USSR, BELGIUM, NETHERLANDS, DENMARK, FRG, POLAND), ADDRESSED
CHIEFLY THE SUGGESTION THAT A COMMITTEE BE FORMED, AND STRESSED
THAT MORE TIME FOR STUDY BY GOVERNMENTS WAS NECESSARY AND THAT
CAREFUL CONSIDERATION WOULD BE BEST SERVED BY INFORMAL CON-
SULTATIONS AMONG MEMBERS. SOVIETS ASSERTED, MOREOVER, THAT
COMMITTEE CONCEPT WAS NOT CONTAINED IN GOV/1821 AND THAT
ESTABLISHMENT OF COMMITTEE WOULD ITSELF PRE-DETERMINE OUTCOME
OF QUESTION. REPS OF U.S., CANADA, UK, NETHERLANDS, DENMARK,
TOOK ISSUE WITH VALIDITY OF STATISTICS CITED BY CO-SPONSORS

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IN THEIR ARGUMENTS, NOTED THAT PRESENT SIZE AND COMPOSITION OF BOARD SERVED INTERESTS BOTH OF EFFICIENCY AND OF "EQUITABLE REPRESENTATION", AND OPPOSED COMMITTEE IDEA WHILE LEAVING DOOR OPEN FOR FURTHER CONSULTATIONS. UK GOVERNOR POINTED OUT INCONSISTENCY BETWEEN REQUEST FOR ADDITIONAL SEATS ON ONE HAND, AND PROPOSAL WHICH WOULD ENABLE MEMBERS OF THAT AREA, (AFRICA) WHOSE REPRESENTATION IN VIENNA WAS SCANT, TO SUCCEED THEMSELVES. U.S. GOVERNOR NOTED INCREASING CONCERN IN U.S. WITH GROWING SIZE AND EFFICIENCY OF GOVERNING BODIES THROUGHOUT UN SYSTEM. "EQUITABLE REPRESENTATION", HE ADDED, REQUIRED CONSIDERATION OF NUMBER OF RELEVANT FACTORS, ALL OF WHICH HAD BEEN TAKEN INTO ACCOUNT WHEN STATUTE LAST REVISED.

4. REPS OF EGYPT (SIRRY) AND NIGERIA AGAIN TOOK FLOOR IN REBUTTAL ATTEMPT, ARGUING THAT BALANCE OF INTERESTS ON BOARD WAS ACHIEVED AT EXPENSE OF TWO GEOGRAPHIC AREAS; THAT PRINCIPLE OF CONSECUTIVE MEMBERSHIP ON BOARD, NOW IMPLEMENTED ONLY IN CASE OF "MOST ADVANCED" MEMBERS, SHOULD BE EXTENDED TO ELECTED MEMBERS ALSO, AND THAT GOVERNMENTS WOULD HAVE HAD AMPLE TIME TO CONSIDER MATTER FROM TIME GOV/1821 ISSUED UNTIL JUNE MEETING OF BOARD.

5. AT CONCLUSION THESE EXCHANGES, INDIAN GOVERNOR (MEHTA) INTERVENED TO PROPOSE PROCEDURAL COMPROMISE: RATHER THAN REFER SUBJECT TO COMMITTEE, WHICH, HE COULD TESTIFY FROM PERSONAL EXPERIENCE, OFTEN TENDED TO BOG DOWN, IT MIGHT BE PREFERABLE TO ENTRUST COORDINATION OF FURTHER INFORMAL CONSULTATIONS TO CHAIRMAN (CISSE). CHAIRMAN AGREED TO UNDERTAKE TASK, WITH ASSISTANCE, IN HIS ABSENCE, OF TWO VICE CHAIRMEN (INCLUDING MEHTA), AND THIS PROPOSAL WAS THEN ENDORSED BY REPS OF FRANCE AND AUSTRALIA - NEITHER OF WHOM HAD YET SPOKEN.

6. OUTMANEUVERED BY HIS INDIAN COLLEAGUE, SATTAR AGAIN INTERVENED AND, IN ELOQUENT-ALMOST PASSIONATE-STATEMENT, THANKED SUPPORTERS, APPEALED FOR SENSE OF JUSTICE AND INSISTED THAT
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ONLY A COMMITTEE ("INFORMAL FORUM") WOULD BE ABLE PRODUCE A DRAFT AMENDMENT FOR JUNE BOARD TO ADDRESS AND, AS REQUIRED BY STATUTE, PROVIDE GENERAL CONFERENCE WITH ITS COMMENTS THEREON. IN SUMMATION, CISSE ENDED DISCUSSION ON THIS ITEM BY ASSURING CO-SPONSORS HE HAD NO INTENTION OF PERMITTING THE TYPE OF "INFORMAL FORUM" WHICH MEHTA HAD SUGGESTED TO BE A DEVICE

FOR PERMANENT SHELVING OF MATTER. HE REQUESTED MEHTA TO PROCEED WITH SCHEDULING OF FIRST ROUND OF CONSULTATIONS WHICH, HE SAID, WOULD RESULT EVENTUALLY IN REPORT FROM CHAIR TO NEXT MEETING OF BOARD.

6. COMMENT: THIS EXERCISE DEMONSTRATED CLEARLY THAT THE CO-SPONSORS WERE NOT RPT NOT ENGAGED IN MERELY TESTING THE WATER. THEY OBVIOUSLY HAD LOBBIED FOR SUPPORT ENERGETICALLY AND THEIR EFFORTS MET WITH CONSIDERABLE SUCCESS AMONG THE SO-CALLED THIRD WORLD MEMBERS OF THE BOARD WHO, TO JUDGE BY SOME STATEMENTS, SEE REVISION AS AN OPPORTUNITY FOR A GENERAL OVERHAUL OF BOARD MEMBERSHIP. THOUGH STATING THE OBVIOUS, IT IS NONETHELESS TRUE THAT THE DISCUSSIONS REVEAL AN OMINOUS POLARITY OF VIEWS WHICH, UNLESS RESOLVED, COULD FURTHER POLITICIZE THIS AGENCY'S PROCEEDINGS.

7. FOR THE MOMENT, WHAT HAS BEEN ACHIEVED IS A STANDOFF, AND OUR FUTURE TACTICS WILL DEPEND ON CONSULTATIONS TO FOLLOW. HOWEVER, THERE CAN BE LITTLE DOUBT AS TO THE DETERMINATION OR SUPPORTING STRENGTH OF THE CO-SPONSORS. WE ARE INFORMED THAT CO-SPONSORS, FURIOUS WITH MEHTA FOR "SELLING OUT", HAE CALLED FOR CONSULTATION SESSIONS TO BEGIN IMMEDIATELY. WHILE WE CANNOT PREDICT THEIR OUTCOME, MISSION SUGGESTS THAT IT MAY BE IMPOSSIBLE FOR DEVELOPED COUNTRIES TO STONEWALL REVISION OF ANY SORT; WE MAY HAVE TO CONCEDE ON A LIMITED AND LESS UNACCEPTABLE REVISION OF ARTICLE VI IN ORDER TO FORESTALL A WHOLESALE SWAMPING OF BOARD BY LDC'S AND, AS HINTED BY EGYPTIAN REP, A SERIOUS THREAT TO CONTINUED EXISTENCE OF DESIGNATED CATEGORY OF BOARD MEMBERSHIP. WILL REPORT FURTHER DEVELOPMENTS AND ASSESS SITUATION AS IT
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